

# NEW HAMPSHIRE REAL ESTATE COMMISSION

## COMMISSION MEETING

**FEBRUARY 21, 2006**

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, February 21, 2006 at 8:30 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 8:35 a.m. by Acting Chairman Robert Stephen

Present: Commissioners Robert Stephen, Pauline Ikawa, Nancy LeRoy, Barbara Heath, Executive Director Beth Emmons, and Investigator Ann Flanagan.

- I. On motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission unanimously approved the Minutes of the Commission meeting held on January 17, 2006. The Commission tabled the December 15, 2005 Minutes due to a lack of a quorum present to approve or disapprove.

II. **APPOINTMENTS**

Equivalency Interviews

The following candidate was interviewed by Commissioners Robert Stephen, Pauline Ikawa, Nancy LeRoy and Barbara Heath:

**CANDIDATE**

**DETERMINATION**

VICKI HOLLAND

APPROVED

On motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission approved Ms. Holland's experience as equivalent experience required for a broker license.

8:45 a.m. STEVEN M. WOLOSKY appeared before the Commission to discuss a previous legal incident prior to applying for a salesperson's license. After review and discussion, the Commission, on motion by Commissioner Heath, seconded by Commissioner LeRoy decided to allow Mr. Wolosky to apply for an original salesperson's license. Commissioner Ikawa was opposed to the decision.

9:05 a.m. MITCHELL E. HARTFORD appeared before the Commission at the January 2006 meeting to discuss a previous legal incident prior to applying for a salesperson's license. At the January meeting the Commission requested Mr. Hartford to find a principal broker to affiliate with and re-appear before the Commission with the broker. Mr. Hartford appeared at the February meeting accompanied by Timothy Fontneau who is associated with Hourihane Cormier & Associates, LLC to explain that Mr. Hartford, if approved to apply for his salesperson's license will work for Mark Hourihane, the principal broker of Hourihane Cormier & Associates. Mr. Fontneau explained that Mark Hourihane was not able to accompany Mr. Hartford at the meeting because he was out of the country, but he was aware of Mr. Hartford's previous legal incident. Mr. Fontneau

stated that he would be working closely with Mr. Hartford. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner Heath, the Commission decided to allow Mr. Hartford to apply for an original salesperson's license. Commissioner Ikawa was opposed to the decision.

III. **HEARING 9:45 AM**

FILE NO. 2004-016 KATHALEEN MCNEALY VS KEVIN HAMPSEY & MICHAEL GRENIER

Evaluator: Commissioner Heath

The following persons were present at the hearing:

Commission: Commissioners Robert Stephen, Nancy LeRoy, Pauline Ikawa

Stenographer: Camille M. Palladino-Duffy

Nolin, McKenna & Duffy Reporting  
Associates  
P.O. Box 1658  
Dover, NH 03821-1658

Evaluator: Commissioner Heath evaluated the above matter and abstained from participation in the discussion and resulting decisions.

Complainant: Kathaleen McNealy

34 Pine Eden Road  
Rindge, NH 03461

Attorney: Pro Se

Witnesses: John McNealy  
Sue Gentile  
Jody Bonocorsi

Respondents: Michael Grenier

Hampsey & Grenier Associates  
P.O. Box 533  
Jaffrey, NH 03542-0533

&  
Kevin Hampsey

Hampsey & Grenier Associates  
P.O. Box 533  
Jaffrey, NH 03542-0533

Attorneys: Peter W. Heed, Esq.  
Kelly W. Dowd, Esq.

Bragdon & Kerkson, P.C.  
82 Court Street  
Keene, NH 03431

Witnesses: None

DECISION: Pending – subject to review of transcripts and exhibits.

IV. **APPOINTMENTS CONTINUED**

1:40 p.m. BRIAN STINCHFIELD appeared before the Commission to explain a previous legal incident prior to applying for an original salesperson's license. After review and discussion, the Commission, on motion by Commissioner LeRoy, seconded by Commissioner Heath decided to allow Mr. Stinchfield to apply for an original salesperson's license upon receipt of a letter from his employing broker notifying the Commission that the broker is aware of Mr. Stinchfield's prior legal incident.

V. **DISCUSSION**

JAMES KILEY submitted a request for Commission clarification regarding disclosure of market condition to prospective clients. After review and discussion, the Commission decided that it would be inappropriate for the Commission to provide an answer to this request at this time and be notified of his procedural rights.

FILE NO. 2005-031 – the attorney for the Respondent for File No 2005-031 submitted a request for an extension to file a formal Form 11-A Reply to the complaint until July 14, 2006 so that a similar civil matter may be resolved. After review of the request and discussion, the Commission unanimously decided to deny the request. The parties to be so notified.

ANN FLANAGAN requested a clarification on RSA 331-A:16, IV(b) "Any advertising which contains a home telephone number, cell-phone number, beeper or pager number, home fax number, or electronic mail address of an individual salesperson or associate broker, or a team of such licensees, shall also include the name and telephone number of the employing broker or brokerage firm through which the advertising licensees operate. All such advertising shall contain language identifying each number included in the advertising." Ms. Flanagan explained that a lot of larger firms have licensees, who provide a telephone number which is a number of the firm, but it is a direct number of the licensee and the licensee is the only one who answers that number. Ann explained that when this is the case she explains to the licensee that they are required to also provide the office telephone number as well. The Commission agreed that this is in compliance with the intent of RSA 331-A:16 IV(b).

VI. **OTHER BUSINESS**

1. The Commission unanimously approved March 14, 2006 as the date for a meeting to discuss possible rulemaking changes and unanimously approved March 21, 2006 as the date for next regular meeting.

2. CASE EVALUATIONS

(a) **FILE NO. 2005-030**

Evaluator: Commissioner Heath

Determination: No violation, no hearing necessary.

VII. **ADJOURNMENT**

Motion by Commissioner LeRoy, seconded by Commissioner Heath to adjourn the meeting. Commissioner Stephen adjourned the meeting at 2:15 p.m.

Respectfully submitted,

*Barbara Heath*

Barbara Heath  
Clerk